

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION NO.
v.)	2:18cr280-MHT
)	(WO)
JOHN COURTNEY WRIGHT, II)	

OPINION AND ORDER

This case is before the court on a motion to continue filed by defendant John Courtney Wright, II. For the reasons set forth below, the court finds that jury trial, now set for February 4, 2019, should be continued pursuant to 18 U.S.C. § 3161(h).

While the granting of a continuance is left to the sound discretion of the trial judge, see *United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986), the court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

"In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or

indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs."

§ 3161(c)(1). The Act excludes from the 70-day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." § 3161(h)(7)(A). In granting such a continuance, the court may consider, among other factors, whether the failure to grant the continuance "would be likely to ... result in a miscarriage of justice," § 3161(h)(7)(B)(i), or "would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." § 3161(h)(7)(B)(iv).

The court concludes that, in this case, the ends of justice served by granting a continuance outweigh the interest of the public and Wright in a speedy trial. The government has provided additional evidence through

discovery, and Wright's counsel has requested more time to file a motion to suppress to the evidence. Because the magistrate judge will need time to conduct an evidentiary hearing on the motion to suppress, because the parties will need time to submit objections to the magistrate judge's recommendation concerning the suppression motion, and because the court will need additional time to review the magistrate judge's recommendation and any objections, the court concludes that a continuance is warranted. Also, the government does not oppose a continuance.

Accordingly, it is ORDERED as follows:

(1) The motion to continue (doc. no. 20), filed by defendant John Courtney Wright, II, is granted.

(2) The jury selection and trial for defendant Wright, now set for February 4, 2019, are reset for April 8, 2019, at 10:00 a.m., in Courtroom 2FMJ of the

Frank M. Johnson Jr. United States Courthouse Complex,
One Church Street, Montgomery, Alabama.

DONE, this the 17th day of January, 2019.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE